

### **REMARKS/ARGUMENTS**

Applicants would like to thank the Examiner for the courtesy extended during a telephone interview with the undersigned attorney. During that interview, certain amendments were discussed for putting the application into condition for allowance. It is respectfully submitted that the application is now in condition for allowance.

#### **CLAIM REJECTIONS UNDER 35 USC 102**

As to the claim rejections under 35 USC 102 based on US patent 6,940,545 to Ray et al., it is respectfully submitted that Ray et al. do not disclose all of the features of Applicants' claim 1, which recites "identifying a plurality of groups of pixels that correspond to an image of a face within the digitally-captured image" and "determining values corresponding to relative exposure ... of said group of pixels" and "adjusting in a post-image capture process image parameters corresponding to adjusting said values of relative exposure ..." Applicants' invention, as set forth at claim 1, involves capturing an image including groups of pixels, and then values of relative exposure (or size or both) of those groups of pixels of that captured image are determined, compared with default values and adjusted.

Ray et al. disclose to acquire a framing image, and then based on information obtained from the framing image, exposure control is determined and performed when capturing the permanent image. That is, the framing image is a first image that is acquired and analyzed for determining a desired exposure of a second image, the permanent image, that is yet to be captured. Exposure control is performed during capture of the second image, i.e., the permanent image according to Ray et al. Ray et al. do not disclose exposure control (or control of size or both) on pixels of the framing image, nor to use exposure information

from the permanent image itself to adjust its exposure in a post-capture process. Instead, Ray et al. disclose exposure control only on a permanent image prior to capture based on information from an earlier acquired framing image.

Therefore, claim 1 is allowable. Claims 15, 23 and 37 are allowable for the same reasons as claim 1. Claims 2, 4, 11-14 are allowable as being dependent from claim 1. Claims 16-17, 19 and 22 are allowable as being dependent from claim 15. Claims 24, 26 and 33-36 are allowable as being dependent from claim 23. Claims 38-39, 41-42 and 44 are allowable as being dependent from claim 37.

Claims 14 and 36 are allowable for the following additional reasons. It is respectfully submitted that Ray et al. do not disclose all of the features of either of Applicants' claims 14 or 36, nor of claims 1 nor 13 upon which claim 14 is based, nor of claims 23 nor 35 upon which claim 36 is based, wherein claims 14 and 36 each recite "... manually modifying said relative value as to the estimated importance of said detected regions." A non-limiting example of adjusting relative exposure in a post-image capture process is provided at Applicants' Figures 4a, 4c and 4e which respectively show a captured image, detection of two faces within the captured image, and enhancement of the exposure of two detected face regions in the captured image in a post-image capture process, while either not adjusting the exposure of other regions of the image or adjusting them less than the faces.

Ray et al. disclose a same exposure for an entire image, which is set to optimize the exposure of a face, for example, at the expense of improper or uncontrolled exposure of other regions of the image. Where Ray et al. disclose exposure control that is confined to or weighted for a facial area, they mean that if optimum exposure for a face is X time and optimum exposure for a background region is Y time, then the exposure for the image will be either X time or closer to X time

than to Y time. However, the face and background regions will be exposed the same amount of time. The only exposure control described by Ray et al. is the amount of exposure of an entire image during image capture, which clearly is not different for different regions of the image. Moreover, only manual face detection is disclosed by Ray et al., and not manual adjustment of an estimated importance of detected regions.

### CLAIM REJECTIONS UNDER 35 USC 103

As to the rejections under 35 USC 103 of claims 3 and 25, claim 3 is allowable as being dependent on claim 1. For the reasons set forth above, the invention set forth at claim 1 is not taught nor suggested by Ray et al. Claim 25 is allowable as being dependent from claim 23. For the reason set forth above, the invention set forth at claim 23 is not taught nor suggested by Ray et al.

With regard to the rejections of claims 5-10, 18, 21, 27-32, 40 and 43 under 35 USC 103, it is respectfully submitted that no combination of Ray et al. and US patent no. 7,034,848 to Sobol teaches or suggests Applicants' invention as set forth therein. Applicants' claim 5 recites "manually removing one or more of said plurality of groups of pixels that correspond to said image of said face." The "removing" in claim 5 relates to the previously recited, i.e., at element (c), identifying of groups of pixels corresponding to an image of a face. That is, once removed, these pixel groups are no longer identified as face regions. Cropping is generally understood as cutting out or masking unwanted parts of an image.

Therefore claim 5 is allowable, as are claims 6-10 as being dependent therefrom. Claim 18 is allowable as being dependent from claim 15 for the reasons set forth above, and because no combination of Ray et al. and Sobol teach or suggest the all of the limitations of claim 15 nor claim 18. Claim 27 is allowable for the same reasons as claim 5, and claims 28-32 are allowable as being dependent

therefrom. Claim 21 is also allowable because no combination of Ray et al. and Sobol teaches or suggests a method comprising manually removing a false indication of a face within an image. Claim 40 is allowable as being dependent from claim 37 for the reasons set forth above, and because no combination of Ray et al. and Sobol teach or suggest the all of the limitations of claim 37 nor claim 40. Claim 43 is also allowable because no combination of Ray et al. and Sobol teaches or suggests a method comprising manually removing a false indication of a face within an image.

As to the rejection of claim 20 under 35 USC 103, no combination of Ray et al. and US patent 7,106,887 to Kinjo teach or suggests all of the limitations of claim 15 upon which claim 20 is based, nor of claim 20 itself. Claim 20 is also allowable as being based on claim 15 for the reasons set forth above.

Based on the above, it is respectfully submitted that the application is now in condition for allowance.

The Commissioner is authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 50-2019. A duplicate page is enclosed.

Respectfully submitted,

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Dated: August 1, 2007

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therefrom. Claim 21 is also allowable because no combination of Ray et al. and Sobol teaches or suggests a method comprising manually removing a false indication of a face within an image. Claim 40 is allowable as being dependent from claim 37 for the reasons set forth above, and because no combination of Ray et al. and Sobol teach or suggest the all of the limitations of claim 37 nor claim 40. Claim 43 is also allowable because no combination of Ray et al. and Sobol teaches or suggests a method comprising manually removing a false indication of a face within an image.

As to the rejection of claim 20 under 35 USC 103, no combination of Ray et al. and US patent 7,106,887 to Kinjo teach or suggests all of the limitations of claim 15 upon which claim 20 is based, nor of claim 20 itself. Claim 20 is also allowable as being based on claim 15 for the reasons set forth above.

Based on the above, it is respectfully submitted that the application is now in condition for allowance.

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